## REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 11-18 were pending in the application, of which Claims 11, 15, 16, and 18 are independent. In the Office Action dated April 4, 2006, Claims 15 and 18 were rejected under 35 U.S.C. § 101, Claims 11-18 were rejected under 35 U.S.C. § 102(b), and Claims 12-13 and 17 were objected to. Following this response, Claims 11-12, 14-16, and 18 remain in this application, Claims 13 and 17 being canceled without prejudice or disclaimer. Applicants hereby address the Examiner's rejections in turn.

### I.    Objection to the Claims

In the Office Action dated April 4, 2006, the Examiner objected to Claims 12-13 and 17 as containing various informalities. Claims 13 and 17 have been canceled without prejudice or disclaimer. Consequently the objections to Claims 13 and 17 are rendered moot. Claim 12 has been amended to address these informalities and do not narrow the claimed subject matter. Applicants respectfully submit that the amendment overcomes this objection and adds no new matter.

### II.    Rejection of the Claims Under 35 U.S.C. § 101

In the Office Action, the Examiner rejected Claims 15 and 18 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 15 and 18 have been amended and Applicants respectfully submit that the amendments overcome this rejection and add no new matter.

III.     Rejection of the Claims Under 35 U.S.C. § 102(b)

In the Office Action, the Examiner rejected Claims 11-18 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,801,717 ("*Engstrom*"). Claims 11, 15, 16, and 18 have been amended, and Applicants respectfully submit that the amendments overcome this rejection and add no new matter.

Amended Claim 11 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "wherein merging associates a Z order with each pixel from the received display information, the Z order defining a precedence of the display information." Amended Claim 15 includes a similar recitation. Furthermore, amended Claim 16 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "wherein merging the display information comprises matching pixels from the primary presentation surface to corresponding pixels from the primary overlay surface to corresponding pixel sets; and transferring the merged information to the display device wherein transferring the merged information comprises, sending to the display device, for each of the pixel sets, the pixel in the set that corresponds to the primary overlay surface if the pixel in the set that corresponds to the primary overlay surface matches a color key, and sending to the display device, for each of the pixel sets, the pixel in the set  that corresponds to the primary presentation surface if the pixel in the set that corresponds to the primary overlay surface does not match the color key." Moreover, amended Claim 18 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "wherein merging the display information comprises matching pixels from the primary presentation surface to corresponding pixels from the primary overlay surface to corresponding pixel sets, each

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pixel in the primary presentation surface having an alpha value specifying an opacity of the corresponding pixel in the primary presentation surface; and transferring the merged information to the display device wherein transferring the merged information comprises, sending to the display device, for each of the pixel sets, the pixel in the set that corresponds to the primary presentation surface if the pixel in the set that corresponds to the primary presentation surface has the alpha value of 0; sending to the display device, for each of the pixel sets, the pixel in the set that corresponds to the primary overlay surface if the pixel in the set that corresponds to the primary presentation surface has the alpha value of 255; and sending to the display device, for each of the pixel sets, a pixel interpolated from the pixel in the set that corresponds to the primary presentation surface and the pixel in the set that corresponds to the primary overlay surface if the pixel that corresponds to the primary presentation surface has the alpha value between 0 and 255." Support for these amendments can be found in the specification at least in paragraph [0071].

Consistent with embodiments of the invention, many types of merging processes may be used. (*See* specification, paragraph [0071], lines 1-2.) For example, a display interface driver may compare pixels in a primary presentation surface against a color key. (*See* specification, paragraph [0071], lines 2-4.) For pixels that match the color key, the corresponding pixel may be read from an overlay primary surface and may be sent to a display device. (*See* specification, paragraph [0071], lines 4-6.) Pixels that do not match the color key may be sent unchanged to the display device from the primary presentation surface. (*See* specification, paragraph [0071], lines 6-7.) This may be

referred to as "designation color-keyed overlay." (*See* specification, paragraph [0071], lines 7-8.)

In another embodiment, an alpha value may be used that may specify an opacity of each pixel in the primary presentation surface. (*See* specification, paragraph [0071], lines 8-9.) For pixels with an alpha of 0, display information from the primary presentation surface may be used. (*See* specification, paragraph [0071], lines 9-10.) For pixels with an alpha of 255, display information from the overlay primary surface may be used. (*See* specification, paragraph [0071], lines 10-11.) For pixels with an alpha between 0 and 255, the display information from the two surfaces may be interpolated to form the value displayed. (*See* specification, paragraph [0071], lines 11-12.) In yet another embodiment, a Z order with each pixel that may define the precedence of the display information may be used. (*See* specification, paragraph [0071], lines 12-13.)

In contrast, *Engstrom* at least does not disclose any of the aforementioned recitations from independent Claims 11, 15, 16, and 18. For example, *Engstrom* merely discloses a display device interface and associated methods for managing surface memory. (*See* col. 4, lines 26-30.) Consequently, in *Engstrom*, a surface includes a pixmap image, or other two-dimensional image data such as an array of depth values (z), or an array of transparency values (alpha). (*See* col. 4, lines 30-33.) By invoking a function in the display device interface, applications can create a surface structure that represents one or more surfaces in *Engstrom*. (*See* col. 4, lines 33-37.) A flipping surface structure represents a front buffer, and one or more back buffers. (*See* col. 4, lines 37-40.) The display interface controls double and multiple buffering by performing

a flip operation on a flipping structure. (*See* col. 4, lines 40-45.) In response to a request to "flip" a flipping structure, the flip operation swaps the underlying surface memory, but the flipping structure remains constant from the perspective of the application. (*See* col. 4, lines 45-47.) Consequently, in *Engstrom*, merging information using the aforementioned per-pixel alpha, z-order, or color-key merging processes is not disclosed. Rather *Engstrom* is completely silent regarding any of these merging processes.

In short, Engstrom does not anticipate the claimed invention because *Engstrom* at least does not disclose any of the aforementioned recitations from independent Claims 11, 15, 16, and 18. Accordingly, independent Claims 11, 15, 16, and 18 each patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claims 11, 15, 16, and 18.

Dependent Claims 12 and 14 are also allowable at least for the reasons described above regarding independent Claim 11, and by virtue of their dependency upon independent Claim 11. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 12 and 14.

IV.   Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other
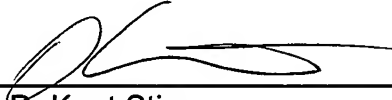
elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,

Dated: July 3, 2006        By:_____

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